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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,380	04/06/2005	Ralph Hubert Peters	NL 020989	4939

24737 7590 03/27/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BENNETT, ZAHRA I

ART UNIT

PAPER NUMBER

2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/530,380	PETERS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zahra Bennett	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 and 31 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-9, 11, 12, 15-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Murai (US Patent 5,416,674).

With respect to claim 1, Murai teaches an illuminating device (Figures 20a-b) comprising light means (21) for generating primary light and a light-emitter (23) comprising an after-glowing material (22) for emitting secondary light after the light means is switched off or has extinguished wherein the after-glowing material is shaped in a predetermined pattern for displaying information and is substantially invisible when

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the light means generates the primary light (Column 8, lines 66-68 to Column 9, lines 1-4).

With respect to claim 12, Murai teaches an illuminating device (Figures 20a-b) comprising:

- a light source (21) configured to generate primary light when turned on; and
- a light-emitter (23) configured to emit secondary light after the light source is off; wherein the light-emitter includes a pattered after-glowing material which is substantially invisible when the light source is on (Column 8, lines 66-68 to Column 9, lines 1-4).

With respect to claims 6 and 15, Murai teaches that the predetermined pattern comprises at least one of an alphanumerical character, a logo, and an arrow (Figure 20a: 23).

With respect to claims 7 and 16, Murai teaches that the after-glowing material comprises a photo-luminescent or phosphorescent material (Figure 20b: 22, see Column 8, lines 60-67).

With respect to claims 8 and 17, Murai teaches a lamp vessel (Figures 20a: 21).

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With respect to claims 9 and 18, Murai teaches a housing (Figure 20b: 21) having a light emission window (21a), the housing or the light emission window being provided with the light emitter (22).

With respect to claims 11 and 20, Murai teaches a display window (Figure 20b: 21a) provided with a light-emitter (22).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 3, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai as applied to claims 1 and 12 above, and further in view of Stone (US Patent 3,796,869).

With respect to claims 2, 3, and 14, Murai does not teach the primary and secondary intensities. Stone teaches that a primary intensity of the primary light as compared to a secondary intensity of the secondary light is at least one of  $I_{le}/I_{lm} < 0.5$  (Column 4, 50-55) and  $I_{le}/I_{lm} < 0.1$  (Column 2, lines 50-52). It would have been obvious to one of ordinary skill at the time of the invention to have the primary and secondary intensities on the device of Murai for the benefit of varying the amount of time the afterglow last, as taught by Stone.

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Claims 4, 5, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai as applied to claims 1 and 12 above, and further in view of DeLine et al. (US Patent 6,172,613).

With respect to claims 4, 5, and 13, Murai does not teach specified initial light output. DeLine teaches a level of the secondary light (Figure 18: 424) is at least one of equal to lower than  $3 \text{ cd/m}^2$  and equal to or lower than  $1 \text{ cd/m}^2$  (Column 30, lines 44-46). It would have been obvious to one of ordinary skill at the time of the invention to have the specified initial light output on the device of Murai for the benefit of display low level lighting, as taught by DeLine.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai as applied to claims 1 and 12 above, and further in view of Lynch (US Patent 2,430,232).

With respect to claims 10 and 19, Murai teaches a housing (Figure 20b: 21) having a light emission window (21a), the housing or the light emission window being provided with the light emitter (22). Murai does not teach an automotive head lamp. Lynch teaches automotive head lamp (Figure 1: 14) comprising a housing (Figure 3: 16) having a light emission window (19), the housing or the light-emission window being provided with a light-emitter (Figure 3 and 4, see Column 2, lines 49-55 to Column 3, lines 1-8). It would have been obvious to one of ordinary skill at the time of the invention to have the device of Murai included on an automotive head lamp for the benefit of sending out visible light, as taught by Lynch.

***Response to Arguments***

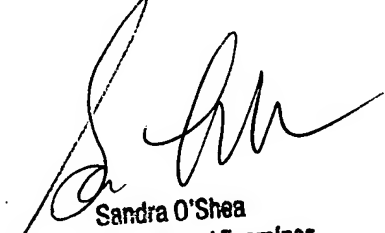
Applicant's arguments, see pages 10 and 11, filed February 20, 2007, with respect to the rejection(s) of claim(s) 1, 4, and 5 under 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Murai (US Patent 5,416,674) and DeLine et al. (US Patent 6,172,613).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZB